

## **REMARKS**

### **FORMAL MATTERS:**

Claims 1-3 and 5-15 are pending and under consideration.

Claims 4 and 16-31 are cancelled.

Claims 1, 5 and 12 are amended. Because the amendments place the claims in better form for consideration on appeal, entry of the amendments is respectfully requested.

Support for the amendments to claims 1 and 12 are found in the specification at, for example, paragraph [0080] and Example 3, particularly paragraph [0150].

No new matter has been added.

### **TELEPHONIC INTERVIEWS**

Applicants wish to thank the Examiner for extending the courtesy of telephonic interviews to Applicants' representative, Richard A. Schwartz, on February 5 and February 7, 2007.

On February 5, 2007 Applicants' representative discussed a proposed amendment of claims 1 and 12 with the Examiner. The amendment recited that the virion entered the target cell by viral fusion and not by endocytosis. The Examiner stated that a recitation of the CCF<sub>2</sub> substrate was necessary as well.

On February 7, 2007 the Examiner indicated that a generic expression of substrates which function similarly to CCF<sub>2</sub> would be acceptable if support is present for such a generic expression.

This account is believed to be a complete and accurate summary of the interview as required by 37 C.F.R. § 1.133. If the Examiner believes that this summary is inaccurate or incomplete, Applicants respectfully request that the Examiner point out any deficiencies in her next communication so that Applicants can amend or supplement the interview summary.

### **REJECTIONS UNDER §103(A)**

Claims 1-10 and 12-24 were rejected again under 35 U.S.C. § 103(a) as allegedly being unpatentable over Muthumani et al. (DNA and Cell Biol 2000, 19:179-88) ("Muthumani") in view of Zlokarnik et al. (Science 1998, 279:84-88) ("Zlokarnik"). This rejection is respectfully traversed.

The Examiner maintained the rejection because the claims "do not exclude endocytosis" as a mode of entry of a virion into a cell. Office Action at page 4.

Applicants' present claims recite that the virion has entered the target cell by viral fusion and not by endocytosis. Therefore, because Applicants' claims no longer are rejectable for not excluding endocytosis, the rejection may be withdrawn. Withdrawal of the rejection is respectfully requested.

Claims 11 and 15 were rejected again under 35 U.S.C. § 103(a) as allegedly being unpatentable over Muthumani in view of Zlokarnik and further in view of Miyano-hara et al. (U.S. Patent 5,739,018) ("the '018 patent"). This rejection is respectfully traversed.

The '018 patent was cited only for its disclosure of a pseudotyped virion. As such, the '018 patent does not overcome the deficiencies detailed above in the combination of Muthumani in view of Zlokarnik. Specifically, the '018 patent does not teach or suggest modifying the process of Muthumani to make the process a selective process for detecting fusion of an enveloped retrovirus to a target cell wherein the virion has entered the target cell by viral fusion and not by endocytosis.

Accordingly, for at least the reason that there would have been no motivation in the cited documents to combine the documents in order to reach Applicants' invention, there is no *prima facie* obviousness. Withdrawal of this rejection is respectfully requested.


CONCLUSION

Applicants submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

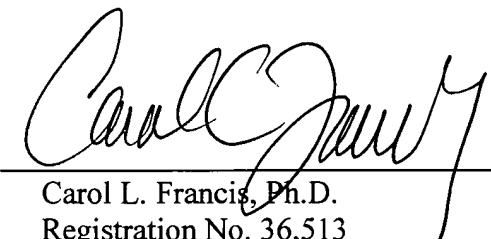
The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number GLAD-283.

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLP

Date: February 20, 2007

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